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CrI.O.P.No.22116 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.22116 of 2024

Naveen @ Naveen Kumar. ... Petitioner/Accused No.2
/versus/

1. The State Rep. by Inspector of Police,
Natrampalli Police Station,
Thirupathur District.
Crime No.347 of 2024. ... 1st Respondent/Complainant

2. Devaki. ... 2nd Respondent/defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, pleaded to call for the records in Crime No.347 of 2024 on the file of the Inspector of Police, Natrampalli Police Station, Thirupathur District and to quash the same.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.S.Udaya Kumar,
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition is filed to quash the F.I.R in Crime No.347 of 2024 on the file of Inspector of Police, Natrampalli Police Station, Thirupathur District.



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2. The petitioner herein is arrayed as 2nd accused in the complaint given by one Devaki alleging that the petitioner along with other accused attacked her on 14.07.2024 when she was carrying on cultivation in her land.

3. The Learned Counsel for the petitioner submits that due to previous enmity, false complaint implicating this petitioner been given knowing fully well that the petitioner is not in India and only to harass the petitioner and to tarnish his image, the complaint been given.

4. To substantiate the claim, the petitioner has produced the passport with immigration seal before this Court indicating that he was not in India at that point of time and he has left India on 30.03.2024 and arrived at Heathrow Airport, London and thereafter from London, he left to India and reached on 07.08.2024 and he was in London on 14.07.2024.

5. When this matter was taken up for consideration, this Court after being satisfied that the petitioner has strong alibi of being present elsewhere on the alleged date of occurrence and the matter was adjourned for the respondent police to verify and report.

6. Today, when the matter taken up for consideration, the



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respondent police submitted that except the passport entry furnished by the petitioner counsel, they are not able to get the statement of the accused and therefore, need time.

7. This Court, on perusing the copy of the passport entry fully satisfied that the petitioner was not in India on the date of alleged occurrence. Since the petitioner is now in London, the case against this petitioner/2nd accused cannot be kept pending for his arrival to record his statement. Hence, the complaint in Crime No.347 of 2024 on the file of the Inspector of Police, Natrampalli Police Station against this petitioner/2nd accused alone stands quashed.

8. Accordingly, this Criminal Original Petition is allowed.

17.10.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To:-

1. The Learned Fast Track – III, Metropolitan Magistrate at Saidapet, Chennai.

Dr.G.JAYACHANDRAN,J.

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